

105TH CONGRESS
2D SESSION

S. RES. 309

Expressing the sense of the Senate regarding the culpability of Hun Sen for violations of international humanitarian law after 1978 in Cambodia (the former People's Republic of Kampuchea and the State of Cambodia).

IN THE SENATE OF THE UNITED STATES

OCTOBER 15 (legislative day, OCTOBER 2), 1998

Mr. HELMS (for himself and Mr. McCONNELL) submitted the following resolution; which was referred to the Committee on Foreign Relations

RESOLUTION

Expressing the sense of the Senate regarding the culpability of Hun Sen for violations of international humanitarian law after 1978 in Cambodia (the former People's Republic of Kampuchea and the State of Cambodia).

Whereas under the Vietnamese communist occupation of Cambodia (the former People's Republic of Kampuchea and the State of Cambodia) between 1979 and 1989, Hun Sen was among a large number of former Khmer Rouge members who were designated by the Vietnamese communists as surrogate leaders of the People's Republic of Kampuchea, where international human rights organizations documented widespread human rights violations;

Whereas during the period leading to internationally supervised elections in 1993, as Prime Minister of the State

of Cambodia and a Politburo member of the communist Cambodian People's Party (CPP), Hun Sen was responsible for the disappearances, murder, and assassination attempts against democratic opponents of the Cambodian People's Party;

Whereas after the Cambodian People's Party lost the 1993 national election, Hun Sen organized a military force that threatened a military coup, resulting in his being given a share of the Prime Minister position with Prince Norodom Ranariddh, the election winner, and his Cambodian People's Party maintaining control of the military, the internal security forces, and provincial government administration;

Whereas in July 1997, Hun Sen ordered a coup d'etat against First Prime Minister Prince Ranariddh which resulted in the deaths of a large number of civilians caught in the crossfire and the torture and summary execution of at least 100 government officials and the forced displacement of at least 50,000 people as assaults continued on people or communities loyal to Prince Ranariddh;

Whereas during the period leading to the July 1998 national election there were widespread threats, assaults, and the suspected assassination of scores of members of parties opposed to Hun Sen;

Whereas in September 1998, Hun Sen ordered a violent crackdown on thousands of unarmed demonstrators, including Buddhist monks, who supported credible investigations of irregularities in the electoral process and the change in the format for allocating seats in the National Assembly which permitted Hun Sen to maintain a small edge over Prince Ranariddh's FUNCINPEC Party and entitled Hun Sen to maintain the post of Prime Minister,

which resulted in the brutality toward tens of thousands of pro-democracy advocates and the deaths and disappearances of an unknown number of people, and led to widespread civil unrest which threatens to further destroy Cambodian society; and

Whereas Hun Sen has held, and continues to hold, high government office in a repressive and violent regime, and has the power to decide for peace and democracy and has instead decided for killing and repression, who has the power to minimize illegal actions by subordinates and allies and hold responsible those who committed such actions, but did not, and who once again is directing a campaign of murder and repression against unarmed civilians, while treating with contempt international efforts to achieve a genuinely democratic government in Cambodia: Now, therefore, be it

1 *Resolved*, That it is the sense of the Senate that—

2 (1) the United States should establish a collec-
3 tion of information that can be supplied to an appro-
4 priate international judicial tribunal for use as evi-
5 dence to support a possible indictment and trial of
6 Hun Sen for violations of international humanitarian
7 law after 1978;

8 (2) any such information concerning Hun Sen
9 and individuals under his authority already collected
10 by the United States, including information regard-
11 ing the March 1997 grenade attack against Sam
12 Rainsy, should be provided to the tribunal at the
13 earliest possible time;

1 (3) the United States should work with mem-
2 bers of interested countries and nongovernmental or-
3 ganizations relating to information any country or
4 organization may hold concerning allegations of vio-
5 lations of international humanitarian law after 1978
6 posed against Hun Sen and any individual under his
7 authority in Cambodia and give all such information
8 to the tribunal;

9 (4) the United States should work with other
10 interested countries relating to measures to be taken
11 to bring to justice Hun Sen and individuals under
12 Hun Sen's authority indicted for such violations of
13 international humanitarian law after 1978; and

14 (5) the United States should support such a tri-
15 bunal for the purpose of investigating Hun Sen's
16 possible criminal culpability for conceiving, directing,
17 and sustaining a variety of actions in violation of
18 international humanitarian law after 1978 in any ju-
19 dicial proceeding that may result.

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